

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION

UNITED STATES OF AMERICA        )  
                                      )  
Plaintiff,                        )  
                                      )  
v.                                )      Case No. 19-0109-CR-W-HFS  
ANTONIO B. FLEMMING            )  
                                      )  
                                      )  
Defendant.                       )

**ORDER**

A competency hearing was conducted on December 17, 2019, and Magistrate Judge John T. Maughmer considered the forensic evaluation prepared by Psychologist, David M. Szyhowski, Psy.D, and dated December 5, 2019, in which Dr. Szyhowski determined that, at the present time, the defendant presented no significant symptoms of a mental illness. Dr. Szyhowski noted that defendant's primary symptom presentation resulted in a diagnosis of malingering, "which is a volitional production of feigned symptoms which do not require clinical intervention."

After making an independent review of the record and the applicable law, Judge Maughmer determined that the defendant was not currently suffering from a mental disease or defect which would prevent him from understanding the nature and consequences of the proceedings against him or assisting in his defense. Thus, Judge Maughmer concluded that the defendant was competent to proceed.

To-date, no objections to the Report and Recommendation have been filed, and the time in which to do so has expired. Thus, the findings and conclusions in the Report and Recommendation (Doc. 41) are ADOPTED by the undersigned.

*/s/ Howard F. Sachs*  
HOWARD F. SACHS  
United States District Judge

Dated: January 22, 2020  
Kansas City, Missouri